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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,044	02/01/2001	Reinhold Stadler	49248	7928
26474 NOVAK DRU	7590 04/09/200 CE DELUCA & QUIG	EXAMINER		
1300 EYE STREET NW			LEVY, NEIL S	
SUITE 1000 WEST TOWER WASHINGTON, DC 20005		·	ART UNIT	PAPER NUMBER
	,		1615	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)			
Office Action Summary		09/762,044	STADLER ET AL.			
		Examiner	Art Unit			
		NEIL LEVY	1615			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠	Responsive to communication(s) filed on 20 De	ecember 2006.				
•—	This action is FINAL . 2b) ☐ This action is non-final.					
3)	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	ion of Claims					
4)⊠	4)⊠ Claim(s) <u>1,2,8-10,16 and 20</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
•=	Claim(s) is/are allowed.					
	Claim(s) <u>1,2,8-10,16 and 20</u> is/are rejected.					
	Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	r election requirement				
اـــا(٥	are subject to restriction and/or	election requirement.				
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority (under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachmen		,, — , , , , , ,	(070, 440)			
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail D				
3) Infor	mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date	5) Notice of Informal F 6) Other:				

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1,2,8-10,16 & 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saur- CA 2178655

Saur provides the instant granules; no actives are instantly claimed, no % or heat input is shown to be outside of normally used inputs & conditions, and the process would be expected to provide different leaching rates & other aspects of instability, as a function of applied temperature, pressure as a consequence of normal chemical & physical interactions with substances as additives, excipients actives & polymers. The ingredients instantly used are used by Sauer, as are the temperatures, whether or not Sauer correlated any effects with temperature, pressure, polymer %, molecular weight or monomers of which they are formed.

Applicant's arguments filed 12/20/06 have been fully considered but they are not persuasive. Applicant argues Sauer does not have the instant inputs nor correlated leaching rates. Applicant argues these results are unexpected, one in the art would not have expected to find a correlation of heat input with any effect on CR properties.

Examiner disagrees; one would expect CR properties & conditions to vary at least as the ingredients heated would be expected to respond to the heating conditions.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL WOODWARD can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000

Primary Examiner
Art Unit 1615